

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ADAM HACKETT,	:	
	:	
Plaintiff,	:	
	:	
v.	:	C.A. No. 06-426 KAJ
	:	
CORRECTIONAL MEDICAL SERVICES,	:	
WARDEN THOMAS CARROLL and	:	
COMMISSIONER STANLEY TAYLOR,	:	
	:	
Defendants.	:	

**CORRECTIONAL MEDICAL SERVICES, INC'S RESPONSE TO PLAINTIFF'S
MOTION FOR APPOINTMENT OF COUNSEL**

Defendant Correctional Medical Services, Inc., ("CMS") by and through its attorneys Morris James LLP, moves this Court to deny Plaintiff's Motion for Appointment of Counsel (the "Motion") for the following reasons:

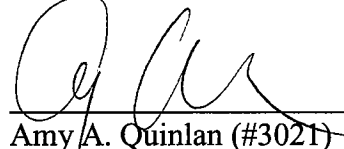
1. Plaintiff initially filed his complaint on July 10, 2006. (D.I. #2).
2. Following receipt of service, CMS filed a Motion to Dismiss and a Motion for a More Definite Statement on March 26, 2007. (D.I. #16). A scheduling conference was held on April 27, 2007 at which time the Court put into place several deadlines many of which have since expired. Also at the scheduling conference, defendant agreed to treat as plaintiff's Amended Complaint his response to defendant's Motion for More Definite Statement which was filed on April 18, 2007. (D.I. #19).
3. By his Motion, plaintiff seeks to appoint counsel in this matter on the basis that the issues are complex. Defendant contends otherwise. In fact the issues at this

point are quite simply whether CMS has violated plaintiff's constitutional rights pursuant to 42 U.S.C. §1983 by failing to provide the plaintiff with adequate medical care.

4. Because the deadline for plaintiff to identify an expert in this matter has long since come and gone, plaintiff's §1983 claim is the only claim remaining. The underlying facts of that claim arise from the treatment of a subaqueous cyst on plaintiff's right forehead which was surgically removed in or around July of 2006. There are no complicated medical issues and the remaining legal issues are limited.

5. Because of the limited issues involved in this case and the late stage of the litigation, defendant contends that plaintiff's request for appointment of counsel should be denied.

MORRIS JAMES LLP



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Attorneys for Defendant CMS

Dated:

Jan 15, 2008

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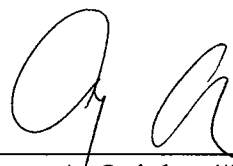
NOTICE OF SERVICE

I, Amy A. Quinlan, hereby certify that on this ^{15th} day of January, 2008, I have caused two
(2) copies the following documents to be served on the parties listed below:

**CORRECTIONAL MEDICAL SERVICES, INC'S RESPONSE TO PLAINTIFF'S
MOTION FOR APPOINTMENT OF COUNSEL**

By First Class U.S. Mail to:

Adam Hackett, *Pro Se*
SBI #00329697
DCC
1181 Paddock Road
Smyrna, DE 19977



Amy A. Quinlan (#3021)